

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



June 23, 1981

ALL-COUNTY INFORMATION NOTICE NO. 1-79-81

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INTERAGENCY AGREEMENT BETWEEN THE DEPARTMENT OF SOCIAL SERVICES
AND THE DEPARTMENT OF EDUCATION REGARDING SERVICES TO HANDICAPPED
CHILDREN

Attached is an Interim Interagency Agreement between the Department of Social Services (DSS) and the Department of Education (DOE), Office of Special Education. This agreement was written in compliance with Senate Bill 1616, Chaptered 1218, regarding the provision of services to handicapped children.

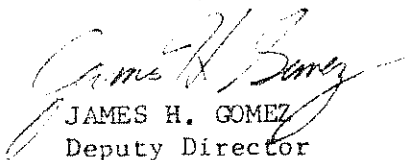
This agreement provides guidelines for coordinating the provision of education and related services to handicapped children who are served by both DSS and DOE. The intent of the agreement is to establish and maintain channels of communication and referral procedures at both the state and local levels.

It should be noted that this interim agreement does not provide for the transfer of funds between the State Department of Social Services and the Department of Education for the purpose of carrying out the responsibilities outlined in the agreement.

This interim agreement will be in effect until December 31, 1981 or until a finalized agreement has been negotiated, whichever occurs earlier. Anyone who wishes to make recommendations for changes or additions to this document is requested to submit them prior to August 1, 1981 to the DSS Family and Children's Services Branch, Systems Bureau.

If you have questions, please contact Anne MacHendrie at (916) 322-6333 or (ATSS) 492-6333.

Sincerely,


JAMES H. GOMEZ
Deputy Director

cc: CWDA

Attachment

INTERAGENCY AGREEMENT

STD 13 REV 9/76

THIS AGREEMENT is entered into this 16th day of January, 1981,
by and between the undersigned State Agencies:

(Set forth services, materials, or equipment to be furnished, or work to be performed, and by whom, time for performance including the terms, date of commencement and date of completion, and provision for payment per 1212.1-1212.2 and 8760-8760.2 SAM.)

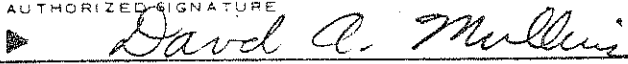

Distribution:

Agency providing services
Agency receiving services
Department of General Services
(unless exempt from DGS approval)
Controller

1. Purpose of This Agreement

The purpose of this agreement between the Department of Education (DOE) and the Department of Social Services (DSS) is to assure a cooperative working procedure so that individuals who are served by both agencies will be adequately and appropriately served. By entering into this agreement, it is the intent of the two departments to:

- a. Determine each agency's responsibility to the individual, including which services are to be provided by each agency;
- b. Establish joint planning and develop criteria and guidelines at the state level to ensure that resources will be used in the most effective manner;
- c. Develop procedures which will help to provide an uninterrupted flow of educational services to the individual, as indicated in each individualized education program;
- d. Establish and maintain channels of communication at both the state and local level;
- e. Encourage agreements between local education agencies and county welfare departments to work cooperatively in addressing the needs of individuals with special education requirements.

NAME OF STATE AGENCY Department of Social Services CALLED ABOVE (SHORT NAME) DSS AUTHORIZED SIGNATURE  TITLE	NAME OF STATE AGENCY State Department of Education CALLED ABOVE (SHORT NAME) Education AUTHORIZED SIGNATURE  TITLE Superintendent of Public Instruction FUND																																																
(Continued on _____ sheets which are hereby attached and made a part hereof)																																																	
DEPARTMENT OF GENERAL SERVICES USE ONLY	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">AMOUNT ENCUMBERED</td> <td colspan="3">APPROPRIATION</td> </tr> <tr> <td>\$ -0-</td> <td style="width: 20%;">ITEM</td> <td style="width: 20%;">CHAPTER</td> <td style="width: 30%;">STATUTES</td> </tr> <tr> <td>UNENCUMBERED BALANCE</td> <td></td> <td></td> <td>FISCAL YEAR</td> </tr> <tr> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ADJ. INCREASING ENCUMBRANCE</td> <td colspan="3">FUNCTION</td> </tr> <tr> <td>\$</td> <td colspan="3"></td> </tr> <tr> <td>ADJ. DECREASING ENCUMBRANCE</td> <td colspan="3">LINE ITEM ALLOTMENT</td> </tr> <tr> <td>\$</td> <td colspan="3"></td> </tr> <tr> <td colspan="2" style="text-align: center;">I Hereby Certify upon my own personal knowledge that budgeted funds are available for this encumbrance.</td> <td style="width: 20%;">T. B. A. NUMBER</td> <td style="width: 20%;">B. R. NUMBER</td> </tr> <tr> <td colspan="2">SIGNATURE OF ACCOUNTING OFFICER</td> <td colspan="2">DATE</td> </tr> <tr> <td colspan="4"> I hereby Certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document <input checked="" type="checkbox"/> is exempt <input type="checkbox"/> is not exempt from review by the Department of Finance. </td> </tr> <tr> <td colspan="2">SIGNATURE OFFICER SIGNING ON BEHALF OF AGENCY</td> <td colspan="2">DATE</td> </tr> </table>	AMOUNT ENCUMBERED	APPROPRIATION			\$ -0-	ITEM	CHAPTER	STATUTES	UNENCUMBERED BALANCE			FISCAL YEAR	\$				ADJ. INCREASING ENCUMBRANCE	FUNCTION			\$				ADJ. DECREASING ENCUMBRANCE	LINE ITEM ALLOTMENT			\$				I Hereby Certify upon my own personal knowledge that budgeted funds are available for this encumbrance.		T. B. A. NUMBER	B. R. NUMBER	SIGNATURE OF ACCOUNTING OFFICER		DATE		I hereby Certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document <input checked="" type="checkbox"/> is exempt <input type="checkbox"/> is not exempt from review by the Department of Finance.				SIGNATURE OFFICER SIGNING ON BEHALF OF AGENCY		DATE	
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2. Federal and State Laws

Federal and state laws mandate the provision of education and services to individuals with exceptional needs. The laws which pertain to this agreement are the following:

- a. PL 94-142
- b. Section 504, Rehabilitation Act of 1973, PL 93-112
- c. California Education Code
- d. Welfare and Institutions Code, Division 4.5, Chapter 1
- e. California Administrative Code, Title 5 Education

In accordance with cited laws and regulations, each agency must use available federal, state, local, and private sources of support to provide the individual with exceptional needs a free and appropriate education and related services.

3. Term of This Agreement

This is an interim agreement between the Department of Education and the Department of Social Services and shall be in effect from date of the Administrator's signature through December 31, 1981. Anyone wishing to make recommendations for changes or additions to this document is encouraged to submit these prior to August 1, 1981, to either the Policies and Program Planning Unit, Office of Special Education, or the Department of Social Services, Family and Children's Services Branch, Systems Bureau.

No additions, deletions, or other modifications will be made to this agreement, except by written consent of the Department of Education and the Department of Social Services.

4. Departmental Responsibilities and Out-of-Home Placement Funding

- a. The Department of Social Services shall ensure the delivery of appropriate protective services, out-of-home care services, and information and referral services to children ages zero to 17 years and adults ages 18 to 21 years, provided these persons qualify for such services as stipulated in the Welfare and Institutions Code. Social Security Act, Titles IV and XX monies, plus local funds shall be used to provide emergency shelter and out-of-home placements determined necessary for the protection of the individual.

- b. The Department of Education shall ensure that education and related services are provided to all individuals with exceptional needs as identified in their individualized Education Programs (IEP). The local education agency shall assure responsibility for residential costs only when an out-of-home placement is required in order for the student to benefit from Special Education Services identified in the IEP. In order for a facility to be reimbursed by a local education agency for educationally-related services, it must be certified by the Department of Education as a facility for nonpublic schooling. If the local education agency does not make the placement decision of an individual with exceptional needs in a licensed children's institution as defined in EC 56155, the provisions of EC 56159 apply.

c. Referrals

- 1) All children with handicapping conditions in need of special education must be identified and evaluated according to federal and state requirements (Title 45, CFR Sections 121a.220).

The Department of Education and the Department of Social Services shall encourage local education agencies and county welfare departments or, where appropriate, county probation departments, to jointly develop guidelines for appropriate referrals to each agency. This shall also include a process for informed parental consent for such referrals, consistent with PL 94-142 and the Welfare and Institutions Code and the Educational Code.

d. Communication

- 1) Prior to the county welfare department's out-of-home placement of a child currently receiving special education services, that agency shall notify the director of special education of both the present local education agency and the county office of education (if the child changes school districts) of the planned relocation according to EC 56165. In the case of an emergency, placement/replacement notification shall be made within five (5) days.
- 2) Upon notification by the county welfare department of the planned relocation, the director of special education of the current local education agency shall work with the county social worker to facilitate the transfer of education records to the new local education agency. The new local education agency shall review the records and develop the individualized education program in accordance with federal and state laws and regulations.
- 3) The Department of Social Services shall biannually provide the State Department of Education with an updated listing of licensed residential facilities (excluding foster family homes) which are located in counties that participate in the Department of Social Services' Facility Information System. On an annual basis, the Department of Social Services will provide a similar listing of licensed residential facilities in the remaining counties.

e. Individualized Planning

- 1) A representative of the county welfare department may participate in the development of the individualized education program, either in person or through the submission of written information, as may be requested by the local education agency, parent, or other person representing the interests of the pupil. If the presence of the representative from the county welfare department is requested by the local educational agency for noneducational purposes, the precept as defined by federal and state laws and regulations must authorize their presence.
- 2) A representative of the local education agency may participate in the development of the individual service plan, either in person or through the submission of written information, as may be requested by the county welfare department, the parent, or other person representing the interests of the client.
- 3) At the time of placement in a residential facility, the county welfare department shall identify the individual responsible for representing the interests of the child ages zero to seventeen, for the purposes of identification, evaluation, educational placement, and other provisions of a free, appropriate public education, including medical treatment authorization. The local education agency shall ensure the designation of authorized representatives and if necessary, appoint a surrogate parent in accordance with federal and state laws and regulations.

f. Confidentiality

The transfer of certain county welfare department records containing education related information to county superintendents of schools or superintendents of school districts may be permissible upon the determination by the social worker that the information is necessary to the school program of "special education" under an "individualized education program" pursuant to the "Education for All Handicapped Children Act of 1975." The information may also be released if it is determined by the social worker to be necessary to a social service plan for a child receiving service.

Parental consent is not required for the transfer of the county welfare department records. Transfers made shall be limited to necessary information as determined by the county welfare department.

g. State Level Interagency Agreement Planning

- 1) Representatives from the Department of Social Services and the Department of Education, Office of Special Education, will meet regularly to review current legal requirements and regulation development which impact this agreement.
- 2) Representatives from the Department of Social Services and the Department of Education, Office of Special Education, will meet in April 1981 to begin staff work necessary for the revision and development of the 1981-82 interagency agreements.

h. Local Level Interagency Agreement Planning

The Department of Social Services and the Department of Education shall encourage the development of countywide criteria and guidelines consistent with the state developed critiera and guidelines.

i. Training

The Department of Education, Office of Special Education, and the Department of Social Services agree to conduct in-service training seminars to acquaint local education agencies and county welfare departments with the contents of the agreement and the mandates and responsibilities of each agency.

j. Fiscal Provisions

1. It is understood that this interim agreement does not require an expansion of services to be provided by county welfare departments and, therefore, will not result in additional expenditures of federal, state, or local funds.
2. No provision is made for the transfer of funds between the State Department of Social Services and the State Department of Education for the purpose of carrying out the responsibilities outlined in this agreement.

This is to certify that this contract has been reviewed and meets requirements of the department.

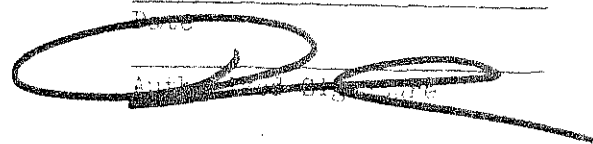
APPROVED

DATE APR 9 1981



I hereby certify that this Personal Service contract is exempt from State Personnel Board approval, as per SAM 1204.

APR 9 1981



I hereby certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document is exempt from approval by the Dept. of Personnel.

APR 9 1981

Date



State Department of General Services Approval not required, per SAM 1206.

APR 9 1981

Date



Authorized Signature

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